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T R E A T I S E
O F
L A W F U L O A T H S,
A N D
P E R J U R Y.

W H E R E I N

The Nature and Obligation of PROMISSORY and ASSERTORY OATHS is cleared; and the Dreadfulness of the Sin of Perjury demonstrated, from Scripture, Reason, the Laws of several Nations, and known Instances of God's Judgments against perjured Persons.

Published as a Caveat to all who have occasion to depone in Oaths of Purgation, or as Parties or Witnesses, before any Judicature, Civil or Ecclesiastick.

By the Reverend Mr. PETER RAE, sometime Minister of the Gospel at Kirkbride, and thereafter at Kirkconnel.

Nemo est qui frequenter jurat, quin aliquando perjuret; sicut qui consuevit multa loqui, aliquando loquitur importuna. Chryl.

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JANUARY 1881

REPORT

OF THE
COMMISSIONERS OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION
PASSED BY THE SENATE
JANUARY 1881

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1881

THE STATE OF NEW YORK,
IN SENATE,
JANUARY 1881.

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE

TO, the HONOURABLE

2376

WILLIAM KIRKPATRICK of *El-*
liesland, Esq; Advocate, his Majesty's She-
riff-Depute of the Shire of *Drumfries*,

JAMES FERGUSON younger of *Craig-*
darroch, Esq; Advocate, late Sheriff-Depute
of the said Shire,

A N D

The other Honourable Justices of the Peace,
Magistrates and Judges within the same.

HONOURABLE SIRS,

THese Sheets I wrote above thirty six Years
ago, upon the Occasion mentioned in the
Preface. At that Time they were revi-
fed by several good Hands, who thought the Pu-
blication thereof might be very useful, and a Mean
to prevent the atrocious Crimes of Perjury and
profane Swearing, too frequent in the Country, as
well as in every Place of the Nation.

So soon as I was determined to publish them,
and to comply with the usual Custom of ushering a
Book into the World with a Dedication, which
hath generally obtained amongst Authors of all
Ranks, the Nature of the Subject quickly inclined
me to pitch upon the Honourable Judges of this
Shire

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Shire as the fittest Persons under whose Patrociny and Protection I might safely emit them. And besides the Interest I have in both your Honourable Families, the Consideration of your having the chief Rule in this Country has induced me to prefix your Names in particular, in Token of my Regard and Gratitude for your former Favours.

Allow me therefore the Freedom to say, that as God the supreme Governor of the Universe, the sovereign Judge of Nations, and Fountain of all true Honour, hath, by his kind Providence, advanced you, and the rest of our Honourable Judges, to Places of Honour and Trust, made you his Vicegerents in the Country, and put it in your Power to do him eminent Service; so it will be expected by him, and all the true Lovers of our Lord Jesus Christ, that you will exert the Power and Authority wherewith he hath been pleased to invest you, in using your sincere and sedulous Endeavours to promote his Honour and Glory in your Places and Stations, as becometh the Honourable Patriots of your Country, by encouraging Piety and Virtue, and discountenancing all Manner of Vice and Impiety. Put a Stop to the Current of Profaneness which so much prevails in many Places within your Districts; impartially punishing such as transgress the Laws, both civil and ecclesiastick, made for restraining and reforming such from their gross Enormities.

In a special Manner it concerns you, to take care to prevent the atrocious and damnable Sin of Perjury, or false Swearing. For this purpose, it would be requisite that People be advised to study the Nature and due Qualifications of lawful Oaths, and the Danger of Perjury; and also, that such as may be convicted of Perjury, be condignly punished

DEDICATION. v

nished according to the Laws of the Land: For Perjury is such a growing and spreading Evil, that if it be not effectually restrained by inferior Judges, it may soon insinuate itself into the highest Court of the Nation.

I persuade myself, you will see it your Duty and Interest to contribute your utmost Endeavours to promote Reformation of Manners, both by the due Execution of the Laws against Immorality, and your suitable Examples; which will be pleasing to God, and raise upon your Names a favourable Monument of eternal Fame. This will afford you a sweet Serenity of Conscience in this World, Peace on a Deathbed, unspeakable Joy and Comfort, when you (with all the rest of the Children of Men) must appear at God's Tribunal, to give an Account of your Stewardship; and a Crown of immortal Glory in the Life to come, when every one shall be rewarded according to his Works, *Rev. xxii. 12.*

That God, who is the supreme Lord and Law-giver, may enable you faithfully to perform these Things, that Religion and Righteousness may flourish in our Country, and Iniquity may be ashamed, and stop her Mouth, is the fervent Prayer of him who is, with great Regard and Esteem,

GENTLEMEN,

Your most obedient, and most

faithful humble Servant,

A. D. 1748.

PETER RAE.

The CHRISTIAN READER.

*P*ERhaps some may think it a needless multiplying of Books to publish any thing on this Subject, seeing so many learned Men have touched it already in their Tracts on the third Commandment, and some have handled (at least a Part) of this Argument at large by itself.

But it would be considered, 1. That these Authors have, for the most part, written in Latin, a Language unknown to the Vulgar, for whose Use this Treatise is chiefly intended. Besides that it is scarcely supposable, that many of these Readers, although they understood the Language, can spare Money to purchase, or Time to peruse such large Volumes; some whereof are very rare. 2. That not one of these Authors I have hitherto conversed with, hath all the Particulars I have here considered; and some of them but little on the Sin of Perjury. 3. That several Instances of the tremendous Judgments of God on perjured Persons I have here related, have never been published heretofore. And, 4. That many who are called to depone in civil and criminal Processes, more frequently than in some Ages before, and sometimes before Church-judicatures, are almost wholly unacquainted with the Nature of an Oath, and Danger of Perjury. From which it is evident, that a Treatise of this Nature is not altogether useless, but deserves the Care and Pains of a better Hand.

The first Motive I had to this Undertaking, was, the deplorable Case of John Atcheson Weaver in Bettock-Syke, a perjured Person; of whom I had frequently heard, and once at our Provincial Synod: From whom, having occasionally met with him, upon the 28th of June 1710, I had a particular Account of the Matter of Fact: as you will find it related near the Close of this Book.

This

This induced me to think it might be very proper to publish a Sheet anent the Nature and Danger of Perjury, which is all was at first intended: But when I had thought a little upon it, I found it expedient to prefix a brief Tract anent lawful Oaths, for the Reason mentioned in the Treatise itself.

I have, with what Care I could, perused such Authors as I had by me, or could possibly meet with, on this Head; especially on the assertory and promissory Oaths, (as you will find them quoted): And what Particulars I found scattered there, I have collected as an Abstract, and presented in the following Method; and have averred nothing controverted without a Voucher of good Repute: And what Latin Phrases I transcribed from my Authors, I have translated for the Benefit of the English Reader.

Before I transcribed the following Sheets, I had Occasion to peruse two Sermons on the third Commandment, preached and published not long ago, by the Reverend Mr. James Foster, and Mr. John Hubbard, two Dissenting Ministers in London. The former of these hath not much directly on promissory and assertory Oaths: However, I compared my Collections on these Heads with what he hath; and find that, in so far, they agree as to the Matter, though in a different Order and Dress: For he sometimes writes in a Style far above the most Part of vulgar Capacities, which I thought not so agreeable to my Purpose. As to the other, I have also compared my Collections with what he has wrote on the due Qualifications of a lawful Oath; and find, that, whatever I have more, I am nothing short in these Particulars: yet resolve to make use of them both, where I find it proper.

To do them Justice, I own, that they both argue strongly and rationally against profane and customary Swearing by the sacred Name of God: As when, in common Conversation, it is brought in under the Form of Swearing, or dreadful Imprecations on the Speaker himself, or others, to confirm almost every indifferent Assertion; or of blessing themselves, or others, in a slight, transient, and careless Manner; or of Exclamation,

to vent sudden Admiration ; or as an Expletive, to fill up a Sentence ; or to imbellish idle Discourse, and give Air and Colour to our Impertinence. As this rubs an Affront on God, so it has a visible Tendency to impair, and by Degrees to extinguish, our Sense of the Sacredness and inviolable Obligation of an Oath. It is impossible that, while we allow ourselves to trifle with Oaths in the general Course of our Behaviour, we should respect them, considered in their own Nature, as Matters of any great Importance ; or, if we looked upon them as holy Ties, we should make it our Practice to swear to what we never intended to perform, or to the Truth of what we know to be false. The necessary Tendency of such a rash Proceeding, is, to render Oaths cheap and contemptible, by diminishing the Awe of God as our impartial Judge, and severe Avenger of Deceit and Prevarication.

I cannot expect that this small Essay will escape the Censure of malevolent Persons, when the Works of the most learned and worthy Men have met with the like Entertainment ; but I hope the more serious will find it useful.

If it may any way contribute to promote the Glory of God, and the Good of Souls, I have my main End ; and am, in Sincerity,

Thy Soul's Well-wisher.

A
T R E A T I S E
O F
OATHS and PERJURY.

IT is much to be regreted, that in a reformed Land, where the Light of the Gospel shines very bright, giving clear Discoveries of Sin and Duty, with the Punishments of the one, and Rewards of the other, Men should be so hardened in their Hearts, as to commit Sin with Greediness and Deliberation. Amongst all which Sins, there is none more heinous, and yet too common, and but little thought of, than Sins they commit in the Matter of Oaths.

For, though Oaths in Matters of Weight and Moment, when imposed by lawful Authority, be warranted by the word of God*; yet as the best Things are often abused, so is an Oath; while some swear profanely, and in their ordinary Discourse; others rashly, upon light and trivial Matters, without due Reverence and Respect to the sacred Name of God; and too many falsely, while, either for worldly Gain and filthy Lucre, to preserve their Reputation and Fame, or for some other base and sinistrous Ends, they dishonour God, prejudge Truth, and wound their own Conscience, by swearing against their Light, and calling the holy One of *Israel* to witness a Lie.

This most usually proceeds from profound Ignorance of the Nature and Danger of an Oath; or Misbelief

* Confession of Faith, chap. 22. art. 1. 2. 3.

of God's terrible Threatenings against the Sin of Perjury. It is, therefore, the Design of the following Sheets, to prescribe an Antidote against this dreadful Evil; especially to those for whose Use, I said in the Preface, this Treatise is chiefly intended.

In pursuance of which, I shall, for the greater Ease of the Reader, divide this Tract into several Chapters; and shew, 1. The Nature and Kinds of lawful Oaths. 2. Wherein a promissory Oath binds, and when it obligeth not. 3. What are the due Qualifications of an assertory Oath, and when to be admitted. 4. When, and in what Cases a Person may be guilty of the Sin of Perjury. And, 5. The Heinousness and Danger of this Sin, as Dissuasives from it, and Cautions against it.

C H A P. I.

Of the Nature and Kinds of lawful Oaths.

BECAUSE Contraries and Opposites may help to give Light to one another, I shall first shew the Nature of a lawful Oath; that it may the more clearly appear what Oaths are unlawful, and when we may fall into the Sin of Perjury.

1. That a lawful Oath is a Part of religious Worship, I hope none will doubt or deny, who reads our Confession of Faith*. Yea, it is oftentimes taken in Scripture for the whole Worship of God; as *Deut. x. 20. Thou shalt fear the Lord thy God; him shalt thou serve, and to him shalt thou cleave, and swear by his name. So Deut. vi. 13. And, Is. xlv. 23.—Unto me every knee shall bow, and every tongue shall swear. And, Is. xix. 18. In that day shall they swear by the Lord of hosts; that is, They shall worship the true God.* Besides that in every lawful Oath, there is, 1. A Confession of the divine Attributes; of the Omnipotence, Omnipresence, Wisdom, Justice and Truth of God; whereby we acknowledge, that he is Witness of what we swear, and that he is the Judge and Revenger of Falshood and

* Chap. 22. art. 1.

Lying. 2. Prayer; whereby God is called upon to give Testimony to the Conscience of him that sweareth, that he says nothing but Truth: Both which make an Oath to be as proper a Part of divine Worship as Prayer itself*. So that it is as great a Sin to refuse an Oath, upon just Occasion, touching Things good and just, and when lawfully imposed, as to refuse to pray: For both are Parts of the Worship of God, and enjoined by him, the supreme Lawgiver.

2. An Oath is defined by some†, An Invocation of God; whereby is wished, that he, as the alone Searcher of Hearts, may give Testimony to the Truth, and punish the Swearer with his just and heavy Vengeance, if he wittingly deceive. Herein the Person swearing solemnly calleth God, the only Searcher of Hearts, to witness what he asserteth or promiseth, and to judge him according to the Truth or Falshood of what he sweareth‡: For every Oath implies Imprecations of Evil against him that sweareth falsely: And these are sometimes expressed, as *Numb. v. 21.*

3. An Oath is not to be taken directly or indirectly, by any Creature in Heaven or Earth; but by the Name of the true God only: For, as he only is the Object of all religious Worship, whereof, as hath been said, an Oath is a Part; so he only is omniscient, to know if the Swearer tells the Truth, and omnipotent, to defend the Truth, and those that witness it, and to punish such as are guilty of Perjury. Moreover, he commands us to swear by him only: *Deut. vi. 13. Thou shalt fear the Lord thy God, and shalt swear by his name. Is. lxv. 16.—He that sweareth in the earth, shall swear by the God of truth.* And, finally, the Lord forbids to swear by any thing else, *Matth. v. 34. 35. 36.*; and is highly displeased with such as do it, *Jer. v. 7. How shall I pardon this! Thy children have sworn by them that are not gods.*

4. The End of Oaths, for which they are appointed

* Perkins's Cases of Conscience, book 2. chap. 13. p. 224.

† Pareus in Ursini cat. p. 561.

‡ Conf. of Faith, *ubi supra.*

of God; is, for Confirmation of Truth, and deciding of Controversies, *Heb. vi. 16.* And therein his sacred Name is to be used with all holy Fear and Reverence.

5. Oaths are to be taken only in Matters of Weight and Moment; which are true, certainly known, lawful, possible, necessary, profitable, and worthy of such a Confirmation by Oath; for the Glory of God, and the Good of our Neighbour*; and which cannot be otherwise decided. For, as Mr. *Perkins* saith, when all other human Proofs fail, then it is lawful to fetch Testimony from Heaven, and to make God himself our Witness; and that in this Case alone, and never else, it is lawful to use an Oath. Swearing in Matters trivial, and of no Importance, or when there is not a mere Necessity, is an abusing, or vain using of the sacred Name of God; makes an Oath too common†, and spoils the Solemnity of such a solemn Piece of the Worship of God. And, if the Matter of the Oath be false, uncertain, unlawful, or impossible, that Oath is repugnant to the Word of God, and so is unlawful, and not to be sworn‡.

6. Neither are Oaths to be taken or sworn without a lawful Calling thereunto. Hence we say, *Juratus fuit*, "He was sworn," passively; And, as Mr. *Durham* observes, the *Hebrews* have no active Verb expressing it, to shew, that Men ought not to swear, but to be sworn, or by Necessity pressed unto it. Ultroneous Oaths ought not to be sustained, nor any Weight laid upon them; but the Person rebuked for his rash and irreverent Usage of God's sacred Name||. For, as *Pareus* saith, *Qui facile jurat, facile pejerat*: "He who swears easily, doth easily commit the Sin of Perjury."

7. An Oath must be sworn without all Guile, Equivocation, or mental Reservation. It must be conceived in plain and intelligible Expressions, understood by him to whom the Oath is given, and supposed to be under-

* Pareus in cat. Ursini, p. 561. De juramento licito.

† Calvini instit. lib. 2. cap. 8. § 25.

‡ Pareus, ubi supra.

|| It is the usual Practice.

stood by others; especially him that exacteth it, and according to his Mind and Meaning, and not according to the private Intent of him that sweareth *. A Man must not swear ambiguously, but in a plain and simple Sense, so as the Words of his Mouth may agree with that which he conceiveth in his Heart: For, if he mean one Thing, and we another, the Name of God is profaned, and the End of an Oath frustrated. Yea, in the Want of this fair and exact Correspondence between our Hearts and our Lips, in swearing, is the Sin of Perjury in its worst Sense.

8. Such as are destitute of the Use of Reason, as Infants, Idiots, Madmen, and drunken Men, because they cannot swear in Judgment, and such as are excommunicate, or are already convicted of Perjury, ought not to be admitted to take an Oath †: Nor should a Person under Process for Scandal be admitted a Witness, till he be relaxed.

9. Among Persons equal, and not subjected to one another, Oaths are taken by mutual Consent: But where some are subjected to others, the Superior may command and require the Inferior to take a lawful Oath ‡. And so much for the Nature of Oaths in general.

In the next place, as to the Kinds of Oaths, lawful Oaths may be considered two Ways, viz. 1. In respect of the Manner how they are imposed and taken; and so they are distinguished, (1.) Into private Oaths, which are made betwixt private Persons privately; as that Oath betwixt *Jacob* and *Laban*, *Gen. xxi. 53.* and betwixt *David* and *Jonathan*, *1 Sam. xx. 12.*; and publick Oaths, which are publickly and more solemnly taken. (2.) Into judicial Oaths, which are tendered in open Court, by Judges having Power to exact them; and extrajudicial Oaths, which are sworn by Persons out of a Court, or judicial Action †. Again,

* Perkins's Cases of Conscience, lib. 2. chap. 13. p. 226.

† Wolebii compendium, cap. 6. can. 2.

‡ Synop. purioris theologiæ, p. 225.

† Polani syntag. lib. 9. cap. 23.

2. In respect of the Nature of Confirmation made by Oath : And so they are distinguished into promissory Oaths, whereby something is promised for the Time to come ; and assertory Oaths, whereby the Truth of something past or present is asserted and confirmed. Again, promissory Oaths are distinguishable into personal, when a Person promiseth and swears only for himself ; and representative, when Persons, one or more, swear not only for themselves, but also as they are Representatives of others. Of this we will see evident Instances in the following Chapter, where I shall speak of promissory Oaths ; as I shall do of assertory Oaths, in the Chapter next thereafter, especially as publicly and judicially taken.

C H A P. II.

Of the Nature and Obligation of promissory Oaths.

A Promissory Oath is, when a Person swears to do or perform something promised for the Time to come, as was said above. Of this sort are all publick Covenants, Leagues and Confederacies between Princes and People, when confirmed by Oath ; as also, Oaths of Allegiance, Oaths of Fidelity in Offices, the Marriage-oath *, and baptismal Vow ; In all which, Fidelity is required. With respect to this, the following Particulars are to be observed.

1. In every promissory Oath, there are certain Conditions implied, and always to be understood, though but sometimes expressed ; such as these ; If God will, if nothing intervene to hinder ; If I live, and Health permit ; As much as in me lieth ; If some Impossibility intervene not ; &c †. For to promise absolutely is not so warrantable.

2. The Matter of a promissory Oath, or that to which a Man may bind himself by Oath, must be something that is good, just, possible, profitable, and in his

* Synop. purioris theologiæ, p. 225. thes. 49.

† Durham, Amesius ; & Saundersonus, de obligatione juramenti, p. 41.

Power; and what he knows to be so, and is resolved to perform*.

3. All Oaths are utterly unlawful, whereby we oblige ourselves to commit Sin†; or neglect some necessary commanded Duty to God, or our Neighbour. Of the former Kind was *David's Oath* to kill *Nabal*, 1 Sam. xxv. 22.; *Herod's* to kill *John Baptist*; and the Oath of certain *Jews* to kill *Paul*, Acts xxiii. 12. 13. 21. Of the latter sort was the *Jewish Corban*; whereby they would in Rage or Anger swear, that their Parents should not be profited by them, Mark vii. 11. It is *Corban*; Q. D. I swear by *Corban*, that is, by the holy Gift consecrated to God. Thus they bound themselves to neglect their Duty to their Parents, expressly enjoined in the fifth Commandment. *Josephus*, a *Jewish Writer*, relates‡, that *Corban* was used as a solemn Oath among the *Jews*. And it appears by our Saviour's Words, that they accounted it very solemn, to swear by the Gift offered to God upon the Altar, Matth. xxiii. 18. *Whosoever sweareth by the gift upon the altar, is guilty*; [in the Margin] *a debtor, or bound*; that is, he was bound to keep his Oath: Whereas to swear by the Altar itself, was nothing.

It was the Doctrine of their *Talmud*, as Dr. *Reynolds* relates ||, That a Man is bound to honour his Father and his Mother, unless he vow the contrary; and then they held, they were not bound to do it. All such Oaths and Vows are utterly unlawful, being contrary to the Word of God; and therefore it is sinful to keep them; nay, the Observation of them increases the Guilt**. And the common Saying is to be observed, *In male promissis rescinde fidem, in turpi voto muta decretum, quod incaute voveris ne facias*; that is, "Break thy Faith in sinful Promises, change thy Purpose in a base Vow, and do not that which thou hast vowed unwarily;" after *David's Example*,

* Confessio fidei, cap. 22. art. 3.

† Saunderson de jur. p. 46. Ames. lib 4.

‡ Josephus.

|| Conference with Hart, p. 261.

** Turretini synt. vol. 2. p. 74.

1 Sam. xxv. 33. : Of whom *Augustine* says, *Juravit David temerè, sed non implevit majore pietate* *: “*David swore rashly; but, with greater Piety, did not fulfil his Oath.*”

4. When the Matter of a promissory Oath is lawful and possible, without Prejudice to Piety, our Duty to the Magistrate, and Good of our Neighbour; then, by the Law of God, and of Nations, it binds and obligeth him that sweareth; and is to be kept, although it be sworn to Hereticks †, or even to our Enemies ‡, and may be to a Man’s own private and temporal Loss, *Psal. xv. 4.*; nay, although it be extorted by Force or Fear, saith *Mr. Perkins*; or he be drawn into it by Fraud or Subtlety ||.

So *Joshua* being deceived by the *Gibeonites*, he made a Covenant of Peace with them, and confirmed it by Oath: And even when he knew he was deceived, he would not touch them, in Reverence to the Oath which he had taken; though these were of the Nations whom they were commanded to drive out and destroy, *Josh. ix. 18. 19. 20.* And the Reason of this Obligation is, Because such an Oath is made with the Invocation of God’s most holy Name, which is not to be profaned.

5. No Dispensation from the Pope, or any other Person on Earth, can relax us from an Oath, or free us from Perjury, unless it be in Things wherein we are subjected to them, as our lawful Superiors. Nor can we be loosed, or Perjury eschewed, by any posterior Tie or Oath: For thereby the former Oath is not made null; but the posterior Oath is made null by the former. For God is Party; and no Man can reverse an Obligation to him, which he or any other hath by a prior Right or Tie **. But,

* *Aug. de decollatione Joan. Baptistæ.*

† *Turret. synt. loc. 11. q. 11. p. 75. Polani synt. p. 268.*

‡ *Perkins’s Cases, l. 2. q. 3. p. 230.*

|| *Saunderson, p. 114.*

** *Durb. in præcept. 3. p. 124. Amesius de consc. lib. 4. cap. 22. quæst. 9. art. 3. Saunderson de juramento, p. 41. 42. 45. &c.*

6. The most learned and judicious Divines and Casuists agree, that a promissory Oath doth not oblige him that swears to the Performance of it, in the following Cases: As, 1. When the Matter of it is either sinful, or unlawful in itself; being contrary to the Word of God, as hath been said: Or, 2. When it is unlawful to him that sweareth, and doth not belong to his Office or Station; as if a Man should swear to execute the Office of a Minister or Magistrate, when he hath not a Call to either. 3. When the Thing promised is simply impossible, though it was at first possible, but afterwards became impossible*. 4. When it is not in the Power of him or her that promiseth; as when Wives or Children, Subjects or Servants, swear in Things wherein they are Subjects, and not Masters themselves. When such an Oath is contradicted by Superiors, having Power in that very particular, then it becomes null; as is clear from the thirtieth Chapter of the Book of *Numbers*. They are only bound to endeavour it, with their Superiors Approbation and Permission. 5. When it hath a Tendency to a bad End; as if one should swear to meet with another at such a Time and Place, with a Design to perpetrate some wicked and sinful Thing. And, 6. It doth not oblige, when it may hinder a greater Good†; though some think‡, that even then, if it be lawfully made, it ought to be observed; “unless that Good be such as infers a general Obligation, and be generally understood as an Exception in such a Promise.” 7. An Error about the Substance or proper Cause of the Matter to which the Oath hath respect, looseth the Obligation of it: Which is the Case of him who contracts Marriage with one particular Person, thinking her to be another ||.

There are several other Cases wherein it is agreed, a Person is loosed from the Obligation of an Oath, though lawful in itself: As, 1. When the Case mate-

* Durh. p. 126. Saund. p. 46.

† Durh. p. 125.

‡ Amef. de confc. lib. 4. cap. 22. q. 9. art. 5.

|| Amef. Saunderfon, p. 109.

rially altereth from what it was when the Oath was taken; as when a Person swears to obey such a Prince or Ruler, who afterwards ceaseth to be such, and turns a private Person: For then *aufertur ratio formalis juramenti*; "The Relation on which the Duty and Oath" is founded, ceaseth:" *Ergo cessat juramentum ratione eventus*; "The Oath becomes null and void*."

2. When the Person sworn unto relaxeth the Swearer. But, in Vows to God, no Man can dispense. 3. When, by some after and unforeseen Emergent, the Person is disabled from performing his Oath †; as if a Man should swear to another to pay him such a Sum of Money on a certain Day, and, before the Time, Robbers come and take away his Goods, and so render him unable to make Payment. In these Cases, a Person is loosed from the Obligation of a promissory Oath.

7. In the representative Oath; which is a more publick and solemn Kind of promissory Oath, wherein (as was said) Persons, one or more, promise and swear not only for themselves, but also as they are Representatives of others. And here it is observable, that the Children or Persons represented therein, are bound to keep that *in forma specifica*, i. e. in kind, which their Fathers or Representatives did swear ‡. The baptismal Engagements taken on by Parents in the Name of their Children, oblige the Children to the Performance of these Duties; especially (say some) when the Parents laid the Obligations on the Children when they came to Age. But certain it is, that Children are obliged to perform their baptismal Engagements, whether their Parents did mind them of their Duty or not: For as, when we hear the Children of others baptized, we have Occasion to hear the same Duties which our Parents took on for us at our Baptism, and therefore know them; so it were unjust, nay impious, to say, that we are not obliged to perform these Duties; be-

* Turret. syn. vol. 2. loc. 11. q. 11. p. 74.

† Durham, p. 126. Saunderson, p. 46.

‡ Weems on the Moral Law, vol. 2. p. 155.

cause our Fathers, dying when we were Infants, had not the Opportunity to lay them upon us.

And a League or Confederacy entered into by the Representatives of a Nation, obligeth the whole Body of that Nation, and all their Posterity, if there be no Time limited, and the Matter be of perpetual Concern; as is clear in the Case of the *Israelites*, who were obliged to bring up *Joseph's* Bones out of *Egypt*, as their Fathers had sworn many Years before, *Gen.* 1. 25. and *Exod.* xiii. 19.

So the League betwixt *Joshua* and the *Gibeonites* was representative: For all the People of *Israel* did not swear it; but only the Elders or Princes of the Congregation, *Josh.* ix. 15. 18. And yet, as I compute, four hundred and thirty Years after, God remarkably punished the People of *Israel*, and *Saul's* Posterity, for the Breach of that Oath or League; though not they, but their Forefathers, as their Representatives, had sworn that Oath. This will be evident to any who reads and considers *2 Sam.* xxi. 1. — 10. *Then there was a famine in the days of David, three years, year after year; and David inquired of the Lord. And the Lord answered, It is for Saul, and for his bloody house, because he slew the Gibeonites, &c.* Whence it is plain, that the Oath taken by the Princes of *Israel* to the *Gibeonites*, did oblige the Body of that Nation and their Posterity to keep that League; and that the Lord's Anger was not turned away from them, till seven of *Saul's* Sons or Posterity were delivered to the *Gibeonites*, and hanged up by them in the Hill, before the Lord, *v.* 9.

None but God himself can relax from an Oath made to him. And he hath no where in Scripture said, that he will dispense with the Sin of Covenant-breaking; but, on the contrary, that he will severely punish it: As *Levit.* xxvi. 15. — 44. But this Quotation being long, I shall not transcribe it, but refer the Reader to his Bible. Again, this is clear from *Deut.* xxxi. 16. 17. *And the Lord said unto Moses, Behold thou shalt sleep with thy fathers, and this people — will forsake me, and break my covenant which I have made with them. Then my anger shall be kindled against them in that day, and I*

will forsake them, and I will hide my face from them, and they shall be devoured, and many evils and troubles shall befall them; so that they will say in that day, Are not these evils come upon us, because our God is not amongst us? Nay, if God's own Children break Covenant with him, (as alas! the best do daily), though he will not take his loving-kindness utterly from them, nor suffer his faithfulness to fail; yet he will visit their transgressions with the rod, and their iniquity with stripes, Psal. lxxxix. 32. 33.

Another Instance of God's Displeasure against Covenant-breaking and Perjury, is that of *Nebuchadnezzar* and *Zedekiah*. *Nebuchadnezzar* King of *Babylon* had made *Zedekiah* King of *Judah* and *Jerusalem*, in the room of his Brother *Jehoiachin*, whom he had carried to *Babylon*, and made a Covenant with him, and took an Oath of him, *That the kingdom might be base, and not lift up itself, (viz. against him the King of Babylon); but that by keeping his Covenant it might stand, Ezek. xvii.*

14. But yet Zedekiah rebelled against him in sending ambassadors into Egypt, that they might give him horses and much people: Wherefore the Lord says, Shall he prosper? shall he escape that doth such things? or shall he break the covenant, and be delivered? and, y 16. As I live, saith the Lord God, surely in the place where the king dwelleth that made him king, whose oath he despised, and whose covenant he brake, even with him, in the midst of Babylon shall he die. Now, why was the Lord so much displeased with Zedekiah for breaking Covenant with Nebuchadnezzar a Heathen? Ans. Because the Breach of that Covenant was a Trespass against the Lord: For though it is called the King of Babylon's Oath and Covenant, y 16. because it was made to him, and for his behoof; yet it was the Lord's Oath and Covenant. For it is expressly said, 2 Chron. xxxvi. 13. that he made Zedekiah swear by God. And the Lord calls it his Oath and Covenant, Ezek. xvii. 19. Therefore thus saith the Lord God, As I live, surely mine oath that he hath despised, and my covenant that he hath broken, even it will I recompense upon his own head; and y 20. I will spread my net upon him, and he

he shall be taken in my snare, and I will bring him to Babylon, and will plead with him there for his trespass that he hath trespassed against me. So that the Breach of an Oath or Covenant sworn by the sacred Name of God, is Perjury; yea a Sin which the Lord will not dispense with, but will punish with severe Judgments.

Let us therefore sincerely endeavour to observe and keep Covenant-transactions with God; and let us humble ourselves before him, for the Sin of Covenant-breaking; and let us return to him by sincere and unfeigned Repentance, as the best Way to get Judgments averted, and the Lord to return to us by his Grace and Mercy. So much of the promissory Oath.

C H A P. III.

Of an assertory Oath.

AN assertory Oath is that wherein a Person upon Oath asserts and affirms a Thing to be true or false. As a promissory Oath engages the Person swearing to the Performance of something for the Time to come; so, in an assertory Oath, the Truth of something past or present is confirmed and declared*. Of this kind are all Oaths of Purgation, and Oaths taken by Witnesses for proving of some Point alledged or libelled before any lawful Judicature. With respect to this Head, these Things are further observable.

1. That in Matter of Scandal, contrary Oaths, or Oaths of both Parties, are not to be taken†; because hereby one of the Parties would certainly be perjured, if one confess and the other deny the alledged Guilt.

2. An Oath of Purgation is not allowed to be taken in any Case but this, When the Presumptions are so pregnant and strong, that they create such Jealousy in that Congregation and Session, that nothing will remove the Suspicion, but the Man's Oath of Purgation; and when this Oath will indeed remove the Scandal and Suspi-

* Polani syntag. lib 9. cap. 23.

† Act of Assembly 1642.

cion. In all other Cases this Oath is in vain; and so should not be admitted, and never but by Advice of the Presbytery*. And these are ordinarily reckoned pregnant Presumptions of a Man's Guilt with a Woman, for which he may be obliged to purge himself by Oath, viz. suspicious frequenting her Company, or being *solus cum sola in loco suspecto*; "with her alone in a suspected Place," or in suspected Postures, and such like; which he cannot sufficiently disprove.

3. If the Person under Scandal be of so bad a Character, that, instead of clearing his pretended Innocence, an Oath may give Ground for a Scandal of Perjury; or if the Presumptions be so strong, that there appears no other Way of removing the Scandal but his Appearance to be publicly rebuked therefor; and if he refuse to submit himself to be rebuked, it is safest not to take his Oath, but to drop the Process, leaving him under the Scandal. In this Case, a true Narrative of the whole Process should be laid before the Congregation, and Intimation given, that there can be no further Procedure in the Matter, till God in his Providence give further Light†.

4. But if the Person accused do offer his Oath of Purgation, and crave the Privilege thereof, the Presbytery may allow the same, if they think it expedient‡. And if a Person voluntarily offer his Oath of Purgation, and afterwards retract, and refuse to give it, it is ordinarily reckoned a Presumption of his Guilt, and the Person pressed to purge himself, when other concurring Circumstances give Ground to suspect him guilty.

5. No Man is obliged to swear *super inquirendis*, i. e. swear to answer every Question that may be put to him, when the Fault is altogether hid; because God alone is Judge of Things that are secret. Nor should an Oath be imposed, whereby a Person may be forced to accuse himself of a Crime; it being contrary to Nature for one to bring Punishment on himself: And by this

* The larger Overtures, cap. 2. § 7. par. 7. now approved, in Act 11. Ass. 1707, cap. 4. § 6. &c.

† See the foresaid Act of Assembly.

‡ See Pardivan's Collections, p. 272.

means,

means, Men are induced to Perjury*. Neither should one be obliged to take an Oath, which may bring Prejudice to the true Religion, or Hurt to his Neighbour. For Example: If a Magistrate that is an Enemy to the true Religion, should impose an Oath on a Professor thereof, requiring him to tell the Truth as to every Thing he should ask him; and accordingly should inquire, Who are of the same Religion or Profession with himself? where they are? or when, or where they are to have Meetings for Preaching? which was the ordinary Method of the bloody Persecutors their Proceedings against the People of God, under the late Government of King *Charles II.* and King *James VII.*; he is not obliged, nor can he with a good Conscience answer to these Things; because so he should sin, 1. Against the Glory of God, bringing Prejudice to the true Religion, whose private Exercise should be hereby impeded. 2. Against his Neighbours; betraying his Brethren, and casting them into great Dangers and Difficulties, whose Safety he should endeavour with the Hazard of his own Life†.

6. The right Manner of swearing an Oath, is laid down by the Prophet, *Jer. iv. 2. Thou shalt swear, The Lord liveth, in truth, judgment, and in righteousness.* As every lawful Oath must be by the true God only, who is the Object of all divine Worship, the Searcher of Hearts, and can bear Witness to the Truth, and not by any Creature, as hath been said already; so it must have these three Qualifications: It must be sworn in Truth, in Judgment, and in Righteousness. Of all which in order.

I. It must be in Truth; which implies, 1. Singleness in the End and Design of it; that it be not done to deceive any, but to express the Truth truly and faithfully, for the Glory of God, our own necessary Vindication, or our Neighbour's Good‡. 2. Sincerity. It must be done in a true, right, and religious Manner. A

* Amelius de conscientia, lib. 4. De juramento, q. 14.

† Polani syntag. p. 629.

‡ Durham.

Person must swear as he thinketh in his Heart, so as there may be an exact Correspondence betwixt the Thoughts of his Heart and the Words of his Mouth. We must not swear falsely and fraudulently, like these, *Is. xlvi. 1.* who swear by the name of the Lord, and make mention of the God of Israel, but not in truth, nor in righteousness. 3. That when we are called to give an Oath, we should swear nothing but the KNOWN TRUTH; not abusing God's holy Name to attest an Untruth, or that which we know not certainly to be true. 4. That we must declare the whole Truth, in so far as we know, remember, and shall be inquired at us; without concealing, or endeavouring to couch, obscure, or hide any of it. *Qui veritatem occultat, & qui prodit mendacium, uterque reus est,* (saith *Augustine*): *Ille, quia prodesse non vult; iste, quia nocere desiderat*: "He that hideth the Truth, and he that utters a Lie, both the one and the other is guilty: The one, because he will not profit; the other, because he desires to hurt*." Herein we must not respect the Persons of any; for the God of Truth is our Witness.

II. An Oath must be in Judgment; which includes these Things in it. 1. That the Person who gives an Oath, must have Knowledge to understand the Nature of an Oath; the Thing he is to swear, him he swears by, and the Danger of Perjury, &c. Hence ignorant Persons are not to be allowed to depone, especially in Matters that are any ways intricate. 2. That a Man must speak and swear as he thinketh, (as was said), or is in his Conscience persuaded of the Things he swears. This is called *Veritas ethica*, Moral Verity. Though, by reason of Man's Frailty, Logical Verity (which is, the Truth of the Thing) may sometimes be wanting, because we know not Things as they are; yet Moral Truth (the Truth of the Mind) must necessarily be in an Oath, lest we fall into Perjury†. 3. Swearing in Judgment implies, that a Person must not swear rashly

* Aug. de agone Christian.

† Perkins's Cases of Conscience, lib. 2. cap. 13. § 2. q. 2. and

and unadvisedly, but warily and with Deliberation; considerately weighing Matters, that the Name of God be not profaned, or made too common, by rash or light Usage of it. *Be not rash with thy mouth*, (says the wise Man), *and let not thy heart be hasty to utter any thing before God. Suffer not thy mouth to cause thy flesh to sin, neither say thou before the angel, that it was an error*; as if that would be an Excuse, if thou hast not taken care before-hand to prevent it, *Eccles. v. 2. 6.*

This Judgment, (saith Mr. Perkins), "requireth Discretion and Consideration principally of five Things. 1. Of the Thing in question which is to be confirmed, with all its Circumstances. 2. Of the Nature of an Oath that is taken. 3. Of the Mind and true Meaning of him that sweareth. 4. Of the particular Circumstances of Time, Place and Persons, when, where, and before whom he sweareth. 5. Of the Event and Issue of the Oath. All these are duly to be regarded, that we swear not rashly or unadvisedly."

III. An Oath must be sworn in Righteousness, or justly and righteously; as *Psal. lxxii. 2.* This implies, 1. That it must be in Things lawful, and possible in their own Nature, and to us at the Time of our swearing; with a Condition expressed, as far as may be, of their being so at the Time for Performance, without any wilful Default of ours rendering them otherwise. 2. That Witnesses must be free of partial Counsel. They must not be biassed, or side with either Party; but like an even Balance, neither inclining to the one nor the other. 3. That the Point to be confirmed must be lawful, *i. e.* such as may stand with Piety and Charity, and is no ways contrary to any Precept in Scripture. In a promissory Oath, we should bind ourselves to nothing but what is equal and just; for an Oath must be *vinculum æquitatis, non vinculum iniquitatis*; "a Bond of Equity, not a Bond of Iniquity." *Prideaux* (out of *Lombardus* and *Aquinas*, two of the Schoolmen) saith, That Judgment, Truth and Righteousness, should be the Concomitants both of a promissory and assertory Oath: *Judicium, ne incautum; veritas, ne mendax;*

ex iustitia, ne iniquum aut illicitum proferatur iuramentum *: "Judgment, lest the Oath emitted be rash
 " and unadvised; Truth, lest it be false; and Righte-
 " ousness, lest it be iniquous and unlawful." 4. That
 the Occasions of taking an Oath must also be just: As,
 (1.) When it may further God's Glory and Worship,
 brotherly Love, or the Preservation of our Neighbour's
 Life, Goods, or good Name. (2.) When it may tend
 to the Confirmation of some League, Covenant, or Con-
 tract made between Parties, upon good Grounds, and
 for good and necessary Purposes. (3.) When it serveth
 to relieve a Man's own private Necessity; as when one
 swears an Oath, to maintain his own good Name,
 Goods or Life, or to confirm his own Faith and Truth
 in Contracts. (4.) When the Magistrate doth exact it,
 by Order of Justice. These are just Occasions of an
 Oath, providing always that it be not against Piety and
 Charity†. Again, 5. Swearing in Righteousness im-
 plies, that, in promissory Oaths, we must swear with a
 full Purpose to perform what we do by Oath oblige our-
 selves unto, and be careful accordingly to make the
 same good, *Psal. xv. 4. and Matth. v. 33. Thou shalt*
perform unto the Lord thine Oaths. Thus you must
 swear in Truth, Judgment, and Righteousness.

Some think, that when *Justice* and *Judgment* are
 joined together in Scripture, then *Justice* is commonly
 understood of civil Affairs, and *Judgment* of criminal,
Psal. lxxxix. 14. and 2 Sam. viii. 15. So that to swear
 in Truth, Justice, and Judgment, is, to testify the
 Truth, both in civil and criminal Causes †.

7. When we give an Oath, we should firmly believe,
 that we are in a special Manner in God's Sight; that
 he perfectly knows what we are to swear, and will cer-
 tainly punish us, if we swear wrong. Our Hearts should
 be filled with the awful Apprehensions of an omnipre-
 sent God. This would help Men to go about it with
 holy Fear and Reverence. Whereas the Want of this

* Joan. Prideaux, de religione iuramenti, p. 51.

† Perkins's Cases of Conscience, lib. 2. cap. 13. § 2. q. 2.

‡ Weems's Exposition of the Moral Law, p. 154.

Chap. IV. *How one may be guilty of Perjury.* 19

Belief, is oftimes the Cause of Perjury. In a Word, we should be as devout in our Oaths, as in our Prayers.

8. A Witness must depone nothing but what is consistent with his own proper Knowledge, and whereof he was Eye or Ear Witness, *i. e.* what he either saw or heard; and not such Things as he had only upon Hearsay, and whereof he can give no other *causa scientia*, or Ground of Knowledge.

And let it be observed, that Oaths in Customhouses, whereof some are assertory and some promissory, are as sacred and binding as any other Oaths; and the Man who swears any such Oath falsely, is guilty of Perjury, and liable to eternal Damnation, as much as he who forswears himself in any other Matter. So much of lawful Oaths.

C H A P. IV.

Wherein is shewn, when, and in what Cases, a Person may be guilty of the Sin of Perjury.

IF it be duly considered, what hath been said, of the Nature and Qualifications of a lawful Oath, we may easily discern when an Oath is unlawful, and what is the horrible Sin of Perjury. But, for the further Discovery of it, consider these Things following.

1. That the Greek Word *ορκισμὸς*, *to perjure* or *for swear*, Matth. v. 33. signifies *to do something upon Oath, and to transgress it*; from *ορκισμὸς*, *jusjurandum violo*, *to violate or break an Oath**. So that Perjury is the Breach of a solemn Oath. It is defined by Lawyers, to be a Lie affirmed judicially upon Oath.

2. A Person may be guilty of the Sin of Perjury several Ways: As, 1. When upon Oath he asserteth that to be true, which he thinks or knows to be false; or that to be false, which he thinks or knows to be true; or doubteth of it, or is mistaken in it, through his own Negligence, not being certain that it is as he saith †.

* Leigh's Critica sacra.

† Durham on the 3d Commandment, p. 121.

20 *How one may be guilty of Perjury.* Chap. IV.

Though the Matter be true, yet if he that sweareth thinketh it to be false, or knows it not certainly to be true, Perjury is committed in the Court of Conscience. He that sweareth by the Name of God falsely or dubiously, forsweareth *. 2. When he swears to do something which he minds not, intends not to perform, he is no doubt perjured; because there is not a correspondent Verity betwixt his Oath and his Purpose. 3. When he promiseth something upon Oath, in the mean time intending to do it, and yet afterwards doth not perform what he hath sworn; when the Thing is lawful, and in his own Power, and there is no just Ground to fail †; as when Persons called to publick Offices have Oaths of Fidelity tendered to them, to tie them more strictly to the faithful Discharge of their Duty, and yet make but little Conscience to keep these Oaths: This is Perjury, because there is no Truth in fulfilling the Thing sworn, according to the Oath. This is contrary to *Matth. v. 33. Thou shalt not forswear thyself, but shalt perform unto the Lord thine oaths.* Hence Beza saith,—*Quod ex animi tui sententia juraris, id non facere, perjurium est ‡*; that is, “It is Perjury not to “do what thou hast sworn to do, according to thy “Mind.” 4. He is guilty of Perjury who swears *dolosis aut fraudulentis verbis*; “in deceitful or fraudulent “Words;” taking them, by a mental Reservation, as he understands them in his own Mind, and not as they are judged by those who stand by and hear them §. For as this frustrates the End of an Oath, so, as hath been shewn already, an Oath is to be taken in the plain and simple Sense of the Words, and according to the Mind of the Imposer **. 5. When a Person swears Allegiance to his Sovereign, and afterwards takes Arms, and rebels against him, or influenceth others to do so, he is evidently perjured. All these are direct Perjuries.

* Wilson's Dictionary, on the Word *Perjury*.

† Perkins's Cases of Conscience, Durham, Wolebius; Petter on Mark, p. 1432. Polani synt. p. 630.

‡ Beza on *Matth. v. 33*.

§ Pet. Martyris loci com. p. 168.

** Perkins's Cases of Conscience, p. 226.

But,

But, more largely and indirectly, a Man may be guilty of Perjury in these Cases. 1. When the Thing sworn implies a Contradiction, and he knows it to be simply impossible. 2. When he sweareth to do an unlawful and wicked Thing; as when forty *Jews* bound themselves with an Oath to kill *Paul*, *Acts* xxiii. 12. 13.; especially if that Oath be contrary to some Duty he is formerly obliged to by Oath: For as the former is not to swear in Judgment, so this is not to swear in Righteousness. Besides that it draweth on a Necessity, either of breaking that Oath, and so of being perjured; or of going on to fulfil it, and so of being doubly perjured. For, 3. Men are also perjured, when they fulfil a wicked Oath; as *Herod* did, in that 6th of *Mark*, in beheading *John the Baptist*, for his Oath's sake. For though he pretended thereby to keep his Oath, yet this overturneth the very Scope and Nature of an Oath in general, and is a plain Contradiction to it; and makes an Oath, which should be a Bond of Equity, a Bond of Iniquity. Therefore *David* did better, in not executing his rash Oath to kill *Nabal*, and those of his House, 1 *Sam.* xxv. 22. 32.—35. as the learned Mr. *Durham* hath shewn at considerable Length*. 4. He who knowingly induceth another to Perjury, is himself guilty of Perjury†.

C H A P. V.

Of the Heinousness and Danger of the Sin of Perjury.

IT remains that, in the *last* place, I say something of the Danger and dreadful Evil of this Sin of Perjury, as Dissuasives from it. And the Evil of it will appear from Scripture, Reason, the Laws of several Nations, and the dreadful Judgments of God threatened against it, and inflicted on such as have been guilty of it, both in former and latter Times.

* *Durham*, ubi supra, p. 122.† *Wake's Discourse of Swearing*, chap. 2.

1. The Evil of Perjury appears from Scripture, where this Sin is expressly forbidden. *Levit. xix. 12. And ye shall not swear by my name falsely, neither shalt thou profane the name of thy God: I am the Lord. Deut. v. 11. Thou shalt not take the name of the Lord thy God in vain. Matth. v. 33. Thou shalt not forswear thyself, but shalt perform thine oaths unto the Lord.* It is the Lord's oath, whoever be the Parties, *2 Sam. xxi. 7.* because his holy Name is called upon in it.

2. It appears, in the next place, from Reason, that Perjury is a dreadful Evil. And, 1. Because it is a Sin most odious and hateful to God, *Zech. viii. 17. Let none of you imagine evil against his neighbour, and love no false oath: for all these are things that I hate, saith the Lord.* Yea he threatens to be a swift witness against false swearers, *Mal. iii. 5.* As he is privy to their Sin, so he will punish them suddenly for it. 2. Because it is attended with many grievous Aggravations, and includes many Sins in it, it must needs be exceeding sinful. Therein are many grievous Sins united: As, 1st, The Sin of Lying. 2^{dly}, The Defence and Maintenance of a Lie. 3^{dly}, A high Profanation of God's most holy Name, and taking it in vain, by calling him to be a Witness and Approver of Lying and Falshood, *Levit. xix. 12.* It is a dishonouring of God. What is left unto the Lord, when he is spoiled of his Truth? He shall then cease to be God, (saith Mr. Calvin.) But he is spoiled of his Truth, when he is made an Affirmer and Approver of Falshood. Wherefore, when *Joshua* minded to drive *Achan* to confess the Truth, he said, *My son, give glory to the God of Israel;* meaning thereby, that the Lord is grievously dishonoured, if a Man swear falsely by him. And no wonder it is so; for we do as much as in us lieth, in a manner to stain his Name with a Lie*. When a Man promiseth any thing by Oath, he layeth both God's Truth and Justice to pledge; and God, as it were, layeth his Credit in Pledge for him. *David* desireth the Lord to be Surety for him, *Psal. cxix. 122. Be surety for thy servant for good.* In a

* *Calvini Instit. lib. 2. cap. 8. § 24. Lat. edit.*

promissory

promissory Oath, the Lord is Surety for a Man, and giveth his Word for him. Now, if he breaketh his Oath, then he breaketh to the Lord, and maketh his Name to be evil spoken of *. Again, 4thly, Perjury includes Imprecation, or cursing one's self, by calling on God, as a just Judge, to take Vengeance on him, if he swear falsely. So that a perjured Person is self-condemned. And, 5thly, It is a Sin against the clearest Light. A Man therein acts against the Light of his own Conscience. All which shew, that Perjury is a Sin accompanied with dreadful Aggravations, and will, no doubt, be followed with as fearful Punishments.

Again, That Perjury is a dreadful Evil, appears, 3. Because Perjury is an acting of the Devil's Part: *Acts* v. 3. *Why hath Satan filled thine heart, to lie to the Holy Ghost?* He labours to deceive the Holy Ghost, as the Words may be read. Hence it appears to be true, that (as one says) the Purjurer is in as bad a Case as a Witch; he acts the Devil's Part, and, by a false Oath, binds his Soul fast to the Devil †. I will not say wilful Perjury is an unpardonable Sin, but it is next to it; and of all Sins that can be repented of, and pardoned, it appears to me the greatest, the most provoking to God, most ruining to the Soul, and most destructive to Society.

And that Perjury is a dreadful Evil, appears, 4. Because Perjury, or taking a false Oath in a Court, hath a direct Tendency to ruin all human Societies. "As Oaths" (saith Mr. *Foster*) have, in almost all Communities, the "last Determination in Points of social Justice, whether" "respecting Life or Property, and are the principal Fences of Government itself, it is plain, that Perjury manifestly tends to overthrow all Right, and to the Confusion and total Dissolution of all civil Societies. So "that there is no possible Villany, but what we may suppose the perjured Person to be capable of committing "without Remorse ‡." For besides, that, by this Sin, the

* Weems's Exposition of the Moral Law, lib. I. p. 152.

† Watson's Body of Divinity, p. 299.

‡ Foster's Sermons, vol. 4. p. 105.

Name of God is profaned, as hath been said; the Perjurer is, 1. A Thief: For, by his false Oath, he robs the Innocent of his Right: Nay, he is oftentimes a Murderer, not only when he depones falsely against a Person in capital Crimes; but likewise when, by his false Oath, the Poor is deprived of the Means of Life. 2. He is a Perverter of Justice. He doth not only sin himself, but occasions the Jury to give a false Verdict, and the Judge to pass an unrighteous Sentence. From all which it is evident, that Perjury is a dreadful Evil; hateful to God, and prejudicial to Man.

3. And as it is hateful to God, so it hath still been odious and detestable to Men of any Principle and Conscience in all Ages. Or, as the Author last mentioned expresseth it, "Perjury is a Crime so repugnant to all the Ideas that Mankind have ever formed of God, and so utterly subversive of publick Order, that it hath been held in the utmost Abhorrence, and branded with signal Infamy, in every Age and Nation."

The Elders of the *Jews* (as *Josephus* relates) so abhorred the very Mention and Imputation of Perjury, that none of them would come over his Oath, and give his Daughter to be Wife to any of the *Benjamites*; though that Oath was rashly and sinfully made, and that Tribe like to perish for want of Wives *; as is more fully to be seen in the sacred History, *Judges* 21st Chapter throughout.

The very Heathens, by the Light of Nature, did condemn and abhor it. Hence *Homer* oftentimes blames, and mocks at the *Trojans* for their Perjuries. And the Poet *Tibullus* saith †,

*Ah! miser est si quis primò perjuria celat;
Sera tamen tacitis pœna venit pedibus.*

Which may be *Englished* thus.

*Ah wretched Man! though he at first
His Perjuries conceal;
Yet Punishment, or soon or late,
Will softly on him steal.*

* *Josephi antiq. Judæorum*, lib. 5. cap. 2. p. (m.) 112.

† *Wolebii compend. theologiæ*, p. 250.

The ancient *Romans*, as *Livius* relates, did greatly reverence an Oath *; and consequently abhorred the Sin of Perjury.

And it hath been severely punished by the Laws of Heathen, as well as Christian Nations. The *Roman* Censors noted some with Infamy for it.

The *Scythians* made a Law, That if a Man did forswear himself, he was to have his Head struck off: Because, if Perjury were allowed, there would be no living in a Commonwealth; it would take away all *Faith* and *Truth* amongst Men †. And the *Egyptians* also made it a capital Crime, punishable by Death ‡.

By the Civil Law, Perjury was punished with Banishment || and *Fustigatio*; that is, scourging, or rather cudgelling, beating with Clubs.

Though Perjury, being such a heinous Crime, be punished only declaratorily by our Law, as the learned *Sir George Mackenzie* observes; yet it hath been remarkably punished, not only by Banishment, as in the Case of *Galbraith*, who came in Will for Perjury, 23d July 1625; but also capitally, as he relates of *Graham* of *Langboddum*, *Turnbull* of *Belfhes*, and *Dempster* of *Muirefke*, who were put to Death, for deponing, or seducing others to depone, falsely. If any happen to die by the false Oath of a Witness, then especially the Perjury is punishable by Death **: For then it is a greater Sin than Murder itself ††.

By the 19th Act, Parl. 5. of Q. *Mary*, Perjury is punishable with Confiscation of all their moveable Goods, warding of their Persons for Year and Day, or longer, during the Queen's Will: And the Persons guilty, as infamous, are declared unable to bruik Office, Honour, Dignity, or Benefice, in time coming. And by

* Tit. Livii hist. decad. primæ, lib. 3. p. (m.) 231.

† Watson's Body of Divinity, p. 299. & 380.

‡ Clerk, ex Plutarcho.

|| Sir George Mackenzie, ex tit. ult. ff. De crimine stellionatus.

** Idem, De crimine, p. 152.

†† Weems on the Moral Law, lib. 2. p. 6.

Act 47. Parl. 6. K. James III. they are not receivable as Witnesses, neither *in judicio*, nor *extra judicium*.

By Cap. 46. Parl. 6. Queen Mary, false Witnesses, and their Inducers, are to be punished by piercing their Tongues, Escheat of Moveables, and Infamy; and further at the Judge's Discretion. And,

By the 25th of the Canons called *Apostolical*, if a Bishop, Presbyter, or Deacon, was guilty of Perjury, he was to be deposed. And this is also made a Cause of Deposition by the General Assembly of our Church, in April 1582; as *Calderwood* relates *. Again,

4. The Heinousness of the Sin of Perjury will further appear, by the dreadful Judgments of God, partly threatened against it in Scripture, and partly inflicted on such as have been guilty of it.

1st, There are dreadful Judgments threatened by the Lord against perjured Persons: *Exod. xx. 7. The Lord will not hold him guiltless, that taketh his name in vain.* Though Men may overlook such wicked Wretches, yet the Lord will find him guilty, and therefore shall not leave him unpunished; but will plague him, either in this World, or that which is to come. God will deal with such, as guilty of an high Contempt of his Glory. And the Lord threatens, that *he will be a swift witness against false swearers*, *Mal. iii. 5.* He is not only privy to their Sin, but will punish them, and that suddenly, for it. Though they may think to act that Sin without a Witness, yet God will not only be a Witness to testify against them, but also a Judge to punish them for it.

When God's great flying Roll, or Book of God's Curse, shall go over the Face of the whole Earth; into whose House shall it enter? *It shall enter into the house of the thief, and of him that sweareth falsely by my name, saith the Lord: and it shall remain in the midst of his house, and it shall consume it, with the timber thereof, and the stones thereof.* I could, if expedient, give an Instance of the express Accomplishment of this Threatening, within these few Years, in a Place not far

* *Calderwood's History of the Church of Scotland.*

distant.

distant. And though some may think to hide themselves, and escape these Threatenings, they deceive themselves; for sure God's Judgments will find them out. See what the wise Man saith, *Prov. xxi. 28. A false witness shall perish; and Prov. xix. 5. A false witness shall not be unpunished; and he that speaketh lies, shall not escape; and y 9. A false witness shall not be unpunished; and he that speaketh lies, shall perish.* Now, if this shall be the Case of perjured Witnesses, what may we think of perjured Parties? Surely their Condition can be no better than theirs.

2dly, In Scripture we have Instances and Examples of Judgments actually inflicted upon Persons guilty of this atrocious Sin.

In *David's Time*, when *Saul* had slain some of the *Gibeonites*, contrary to the representative Oath, which *Joshua* and the Elders of *Israel* had long before taken to spare them, as appeareth *Josh. ix. 15.* the Lord was so much displeased with this Fact, (though done out of Zeal to the Children of *Israel* and *Judah*, *2 Sam. xxi. 2.*), that he punished them for it with three Years Famine. Neither could that Perjury be expiated, till seven of *Saul's Sons* were hung up in *Gibeah* before the Sun, as was formerly said; though here I mention it again, as an Instance of God's Judgments against the Sin of Perjury.

In *Ezek. xvii. 16.* the Lord threatened *Zedekiah*, that for breaking his Oath to the King of *Babylon*, (though a Heathen), and because he brake the Lord's own Oath, and the Lord's Covenant, *y 19.* he should die in *Babylon*. And this Judgment was afterwards inflicted, as we see in the 39th and 52d Chapters of *Jeremiah's Prophecies*. Yea, he did not only die there in a strange Land, but he first saw his Sons slain before him, and then had his own Eyes put out; and, being blind, was kept in Prison till the Day of his Death.

Another remarkable Instance we have in *1 Kings xxi. 23.* where the Lord threatens Queen *Jezebel* for her stirring up Sons of *Belial* to bear false Witness against *Naboth*, (whereby she was Partaker with them in their Perjury), that *the dogs shall eat her by the wall of*

Jezreel; which was accomplished accordingly, as we see 2 *Kings* ix. 30. to the End of that Chapter.

Ananias and *Sapphira*, for lying to God, (which is but a Branch of, or one Ingredient in this Sin), were suddenly struck dead, *Acts* v. 3. And many other Examples and Instances of God's dreadful Judgments against Perjury are extant in the sacred Records.

Nor are there Examples wanting in human Writings of the just and tremendous Judgments of God against Persons guilty of the Sin of Perjury. Of these take a few as follows.

Beza relates of a perjured Man, that he had no sooner taken a false Oath, but he was immediately struck with an Apoplexy; and never spake more, but died. And this was also the Case of *John Mackie*, who deposed at *Edinburgh* this Year (1710) in the Affair of *Carlops*.

Uladislaus, King of *Hungary*, having contracted a League with *Amurath* the great *Turk*, and bound himself to it by an Oath; the Pope sent *Julianus* and *Franfcifus*, Cardinals, to absolve him from his Oath, and provoke him to War: Which he undertaking with a considerable Army, the Victory stood doubtful for a great while together. But *Amurath*, seeing the Crucifix in the Christians Ensign, plucked the Writing (wherein the late League was contained) out of his Bosom, and, with his Eyes and Hands lift up to Heaven, said, *O thou crucified Christ, behold this is the League thy Christians in thy Name have made with me, which they have causelessly violated: If thou be a God, as they say thou art, and as we dream, revenge the Wrong now done unto thy Name and me, and shew thy Power upon thy perjured People, who in their Deeds deny thee their God.* Immediately afterwards the King, in the Midst of his Enemies, was slain; and the Christians fled, very few ever returning to their own Houses, but perished miserably *.

Mr. *Fox* relates, that, in the Reign of *Q. Elizabeth*, one *Annis Averies*, in the City of *London*, Widow, for-

* *Knoll's general History of the Turks*, p. 297.

sware herself for a little Money, which she should have paid for six Pounds of Tow; and by God's just Judgment, she immediately fell down speechless, casting her Excrements upward, which should have been voided downwards, and so presently died *.

Rodulph Duke of Swevia, provoked by the Pope, rebelled against his Sovereign the Emperor, *Henry IV.*; but in a Battle he fought against him, he lost his right Arm, whereof he shortly after died, acknowledging God's Justice against him for his Disloyalty; punishing him in that Arm, which before was lift up to swear the Oath of Allegiance to his Master †.

Eusebius tells us, in his Ecclesiastick History, that *Narcissus*, Bishop of *Jerusalem*, a Man famous for his Virtues, and Faithfulness in reprovng and correcting Vice, was falsely and maliciously accused of Incontinency, by three wicked Men, who bound their Accusations with Oaths and Curses. The first said, *If I lie, I pray God I may perish by Fire.* The second said, *If I speak any thing but the Truth, I pray God I may be consumed by some filthy and cruel Disease.* The third said, *If I accuse him falsely, I pray I may lose my Sight, and become blind.*

This wicked Charge, though it was not believed by the Faithful, who knew the Piety and Integrity of the Bishop; yet the good Bishop, partly for Grief to lie under such a Scandal, and partly to retire himself from worldly Business, left his Bishoprick, and lived privately. But his forsworn Accusers escaped not the revenging Hand of God: For the first having his House extraordinarily set on Fire, was himself and all his Family burnt therein. The second languished away by a filthy Disease, till he died. The third, seeing the woful Ends of his Companions, confessed all their Villany; and lamenting his Case and Crime, wept so long, till he utterly lost his Sight. And thus were they all punished according to their own Imprecations ‡.

* Fox's Acts and Monuments.

† Ibid.

‡ Eusebii hist. ecclesiast.

He likewise relates, that the *Arians* hired a Woman to accuse *Eustatius*, a godly Bishop, of committing Whoredom with her, thereby procuring his Banishment. But shortly after, the Lord struck her with a lothsome Disease; whereupon she confessed her Perjury, (the Child being begotten by *Eustatius* a Smith, and not *Eustatius* the Bishop), and so presently after she died *.

John Cooper, a godly Man, in the Days of *Mary Queen of England*, was falsely and maliciously accused of Treason, for alledged speaking some Words against the Queen; and accordingly was executed. But one *Grimwood*, (who had sworn falsely against him), being shortly after about his Labour in the Harvest, and in good Health, suddenly his Bowels fell out of his Body, and so he died most miserably †.

William Smith, *Thomas Whittingham*, and *Thomas Pickering*, having maliciously hired one *Nan White* to take her Oath, that *Mr. Wilding* Minister of *Wotton*, two Miles from *Warwick*, meeting her in the Field, would have ravished her: *Mr. Wilding* is thereupon cast out of his Living. What became of the perjured Wench, my Author knew not; but the three Suborners came to fearful Ends. *William Smith* died of the French Pox; *Thomas Whittingham* broke his Neck off a Wain, as he was tying the Rope; and *Thomas Pickering* died distracted and despairing, crying out, *I am damned, I am damned* ‡.

A certain Maid in *London* having stoln many Things from her Mistress; and, being examined, forswore them, wishing that she might rot if ever she touched them, or knew of them. Notwithstanding which she was carried to Prison; where she began to rot and stink, that they were forced to thrust her out of Prison into a common Hospital.

The Emperor *Albert* having made a Truce with the great *Turk*, and solemnly sworn to the same; Pope *Eu-*

* Eusebius.

† Fox's Acts and Monuments.

‡ Clerk's Examples.

genius IV. sent him a Dispensation from his Oath, and excited him to renew the War against them. But in the first Battle he was discomfited and slain, to the great Shame of Christianity; the Infidels justly accusing them of Perjury and Covenant-breaking, sealed by the Name of Christ, whom they profess to be their Saviour.

In the Year 1611, a *Turk*, at *Constantinople*, sent a good Sum of Money to a Christian to be paid at a certain Day. But before the Time came, he brought another *Turk* with him, and willed the Christian to pay it to that *Turk* when the Day came; which the Christian did accordingly. But the *Turk* that received it, denied it; whereupon he to whom the Money was properly due, came, and demanded it; the Christian answered, That he had paid it already to the Person to whom he had assigned it; the *Turk* answered, That if it was so, he was satisfied: But yet the other *Turk* denied it. And the Matter being brought before the Judge, he that received the Money denied it upon his Oath; and thereupon the Christian was forced to pay it again: Which he did; yet withal prayed God to shew some publick Sign which of them had done wrong. And accordingly the perjured *Turk*, as he was going to his House, fell down in the Streets, and died.

An Inn-keeper in the Town of *Rutlingen*, having received a Bag of Money from a Passenger to keep for him, he forswore the same before the Judge, giving himself to the Devil if he swore falsely; and was, by two that testified against him, (which indeed were two Fiends of Hell), presently, in the Presence of the Judge, hoisted up into the Air, where he vanished away with them, and was never found after.

Another fearful Example of God's Judgment was shewed on a rich young Maid in *Saxony*, who, having solemnly promised to marry a proper (but poor) young Man, made many Imprecations against herself if ever she should alter her Mind; *wishing, that if ever she married another, the Devil might take her on her Wedding-day*: Yet afterwards she was betrothed and married to another. At Dinner two Men on Horseback came

to the House, and were entertained at the Feast; and after Dinner, one of them leading the Bride a Dance, took her by the Hand, and led her a Turn or two; and then, in the Presence of all her Friends, he caught her, (crying out for Help), and went out at the Gate, where he hoisted her up into the Air, and vanished away, with his Companion and Horses, so that she was never seen more.

These two Instances, as also the following, I read near forty Years ago, in an *English Book*, called *A Sword against Swearers*; from whence I copied them exactly. It seems to be a very good Book, calculated against the Sins of the Age; especially against customary and profane Cursing, Swearing, and Forswearing. Yet some may possibly alledge, that that Relation, of the Devil's taking away that Man and Woman corporally and visibly, is fabulous, because the Devils are not so publick and familiar amongst us. But methinks it is no Fable, but Matter of Fact. Let us therefore consider, 1. The Place where these Things are said to have been done; even in a barbarous antichristian Country, and most probably before the Light of the Gospel broke out. Yea, Travellers tell us, that in some Families in those Parts, the Devils, in human Shape, serve them as domestick Servants. Yea, when Men and Women solemnly gift themselves to the Devil, as those wicked Wretches did, may not God, in his righteous Judgment, permit the Devil to take them away corporally and visibly, for the Terror of others? 2. That the *Indians* in *America* worship the Devil as their God; who appears to them, and beats them most severely, when their Worship is not accompanied with that Zeal and Fervency of Devotion that he requires; which is, to cut their Flesh with sharp Flints, to the Effusion of their Blood. The Reverend Mr. *John Bryce*, who was Minister of *Crawford-John* since the late happy Revolution, told me, That, when he was in *America* with Mr. *William Dunlop*, who was banished thither in the Time of Persecution, the *Indians* came often, when the Christians were at Worship, and said, *Your God is a good God: You are joyful and merry when you worship him; but our God strikes us.*

And

And then, 3. That, if Fame may be credited, the Devils were very familiar and publick in this Nation, during the Continuance of Pagan and Antichristian Darkneſs, and even for ſome time after the Reformation from Popery, till the Light of the Goſpel began to appear in its meridian Brightneſs; and then theſe infernal Spirits began to withdraw.

Let this be for Warning and Caution to all profane Curſers and Swearers, who in their ordinary Diſcourſe, and ſome at the Concluſion of every Sentence almoſt, uſe to imprecate againſt themſelves, "That the Devil" may take them, if what they have ſaid be not true." Theſe are a Scandal to Chriſtianity. I would have ſuch to conſider, that the Devil is pleaſed with Free-will Offerings; and that, if they do not repent, and amend their Ways in Time, the Devil will take them ſooner or later. Though perhaps he will not take them corporally, yet he will be ſure of their Soul ſo ſoon as it is ſeparated from the Body.

It is more than probable, that ſome will be ready to ward off the Force of Arguments againſt the Sin of Perjury, taken from the Conſideration of the fearful Judgments of God againſt perjured Perſons; becauſe, though they have been guilty, yet no remarkable Judgment hath befallen them hitherto; and therefore they are ready to go on in, nay brag of their Sin, and think to eſcape unpuniſhed. *Solomon ſaith, Eccleſ. viii. 11. that becauſe ſentence againſt an evil work is not executed ſpeedily; therefore the heart of the ſons of men is fully ſet in them to do evil.* But I would have ſuch to conſider, that though Judgments be delayed or deferred, they will ſurely come one Time or other: And ſhall conclude this Head, with an Example of God's Judgment upon ſuch a miſerable Miſcreant, and Heaven-daring Sinner, as theſe.

One hearing Perjury condemned by a godly Preacher, and how it never eſcaped unpuniſhed, ſaid, in a Bravery, *I have often forſworn myſelf, and yet my right Hand is no ſhorter than my left.* Which Words he had ſcarce uttered, when ſuch an Inflammation aroſe in that Hand, that he was forced to go to the Surgeon,

and get it cut off, lest it should have infected his whole Body; whereby it became shorter than the other.

I shall now add a few Instances of the terrible Judgments of God on perjured Persons in later Times; that I may conclude.

A Gentlewoman in this Shire having perjured herself with respect to the Justness of an alledged Debt, was seized with an *eating Cancer*, which ate into, and discovered her inward Parts: And, after she was confined to a Sick-bed, and had lien long in a miserable Condition, she was obliged to send for the Party injured by her Oath, and, before many Witnesses, acknowledge her Perjury; and soon after departed this Life.

Let the Person who, it is said, urged her to depone, with a Promise of the Half, (after she had judicially declined it, and Instruments had been taken upon her Refusal), seriously consider what *Augustine* saith. *Ille qui hominem provocat ad jurationem, & scit eum falsum juraturum esse, vincit homicidam: quia homicida corpus occisurus est, ille animam; imo, duas animas, & ejus quem jurare provocavit, & suam: that is, "He who provokes one to swear that which he knows to be false, is worse than a Murderer; because a Murderer kills the Body, but he kills the Soul; yea two Souls, viz. his whom he provoked to swear, and his own."*

Perhaps he will readily say, It is a just Debt to him; let her answer for her Fault. To which I reply, as a Reverend Minister did to some who related this Matter to him and me, He that influenced her to swear falsely, will be found to be Art and Part with her in her Sin, and partake of her Plagues and Punishments, at the great Day of Accounts.

Let this be for Warning and Caution to all such as incline to swear, or advise others to swear, falsely, upon any Occasion. It hath been shewn already, that, by the Laws of this Nation, several Persons have been put to Death for this horrible Crime. And though possibly ye may escape Justice from the Hands of Men, as some have done for Want of a clear Probation; yet there is no escaping from the Hands of an omniscient God, who
hath

hath no need of Witnesses, and is an impartial Avenger of all Deceit and Falshood, whereby his holy Name is profaned.

John Hastie, Workman in *Drumfries*, having perjured himself, in an Oath of Purgation of Adultery; though he endeavoured to conceal his Guilt, and quell the Checks and Challenges of a guilty Conscience, or keep it asleep, while in Health; yet, when he came to a Death-bed, he was seized with such Horror of Conscience, that he could have no Rest or Ease, till he sent for a Minister, and, before many Witnesses, acknowledged his Sins of Adultery and Perjury.

A Gentleman in this Shire having sworn an Oath of Purgation of Adultery, whereof there were pregnant Presumptions of his Guilt, he fell into Sicknefs in a short time after: And when he was recovering, his Conscience so troubled him, that he was heard cry out, oftener than once, *Oh! I have great Guilt*: Whereas none could charge him with any remarkable or notorious Sin, except his alledged Adultery, and suspected Perjury in his Oath of Purgation. Soon after, he arose from his Bed, and went out, and drowned himself. Oh! the Dread and Horror of an accusing Conscience!

A young Woman in *Kyle* having perjured herself in a judicial Oath, was suddenly seized with Melancholy, and the Falling-sickness; which still continued at the writing hereof.

But the most remarkable Instance I have known of late, is that of *John Atcheson* Weaver in *Bettock-Syke*, about two Miles from *Moffat*, which he related to myself; and is as follows. This Man having, through Satan's Temptations, and the Corruption of his own Heart, fallen into the heinous and abominable Sin of Adultery, with *Janet Wilkin*, Widow of *James Cockburn* Smith in *Broomlands*, and continued therein a considerable Time; when it came to be talked privately, that she had parted with Child, and some suspected him to be the Father of it, he went to the Session of *Kirkpatrick-Juxta*, (in which Parish he lived), and voluntarily offered his Oath, and urged that it might be taken; and continued so to do for about five Months.

At length, being allowed a Copy of his Oath of Purgation, and a competent Time to consider upon it, it was offered to him before the Congregation, (where, he says, he was most willing to take it), and delayed for some time longer. But at last his Oath was taken, upon the — Day of — 1707 Years.

The Minister had solemnly warned him of the Danger of Perjury; and told him, that if he swore wrong, God would certainly kyth a visible Judgment upon him ere long; which accordingly fell out: For, when he swore, the Word was no sooner out of his Mouth, than he was seized with a dreadful Horror of Conscience, and a Trembling, though not so discernible to others; and his bodily Strength decayed daily.

Some Months being elapsed, his Trouble began to wear off; and he turning secure, and continuing impenitent, the Lord, who in his righteous Judgment doth sometimes punish one Sin by permitting the Sinner to fall into another, plagued him with a judicial Hardness of Heart; so that he relapsed into the Sin of Adultery with the same Woman, about nine Months after his Oath: Whereupon he was immediately seized with Horror of Conscience again, and often tempted to Despair and Self-murder.

When it was discovered the Woman was with Child, though no body suspected him, he freely acknowledged both his Adultery and Perjury, and was admitted to give Evidence of his Repentance before the Congregation. Upon his first Appearance, he was remarkably struck with an extraordinary Shaking in his whole Body, so that he could not stand, till holden fast in a Man's Arms. After his publick Appearances, he was so weak that he was borne home; and lay under Infirmary of Body and Trouble of Mind, but not Heart-sick, for more than eight Months.

This Shaking still continues in his left Hand, which he formerly used most, insomuch that, as I am informed by himself and others, ten Men could not hold it from moving.

This poor Man is now so redacted to Poverty, that he is obliged to wander up and down for his Food,
being

being sometimes carried on a Barrow or Bier ; and when he rides, he is not able to keep himself from falling. But his most troublesome Companion is the dreadful Horror of his own Conscience, which still continueth, as well as his Shaking and bodily Weakness. He acknowledgeth, that he could read the Scriptures that the Minister quoted to deter him from Perjury ; but that he did not then believe them : And declares, that he repents that ever he attempted to use any Means for his bodily Trouble, seeing he can ascribe that and his Trouble of Mind to nothing but God's just Judgment upon him for his Sin. He seems to be very penitent. I pray God, as every good Christian ought, that, if he be yet alive, he may get sincere and unfeigned Repentance of his Sins, and find Mercy in the Day of the Lord.

By all these Instances I have mentioned, and others I pass for Brevity, it appears, that Perjury is such a God-provoking Sin, that the Lord doth not only reserve Wrath for all perjured and impenitent Persons in the World to come ; but many Times also, even in this World, he sets up some of the most eminent of them, as Monuments of his Wrath and Indignation, for the Terror of others, that they may hear, and fear, and do no more so wickedly.

I shall now conclude with a Word of Advice to several Ranks and Degrees of Persons. And,

1. To all Persons in Authority who have solemnly sworn Allegiance and Fidelity to superior Powers, and such as have sworn Fidelity in any Relation or Office, to make Conscience in keeping their lawful Oaths : *Eccles. viii. 2. I counsel thee to keep the king's commandment, and that in regard of the oath of God.* This is a Duty expressly commanded in the Word of God, *Rom. xiii. 1. Let every soul be subject to the higher powers : for there is no power but of God, &c.* Read to *ψ 8. ;* and *1 Pet. ii. 13. 14. 17.* If this Honour, Fear and Subjection was due by Christians to the lawful Commands of Heathen, much more is it due to the lawful Commands of Christian Magistrates : And if it be a Duty without an Oath, then sure the Oath of God interveining,

terveening, lays such as take it under a double Obligation. Let every one who hath sworn Fidelity in any Relation be careful to perform his Oath, as he would not be guilty of the heinous Sin of Perjury.

2. To all the Honourable Judges into whose Hands this Treatise may come: 1. To be zealous in punishing profane Swearers, according to the Word of God, and the Laws of the Land; for this is often an Inlet to the Sin of Perjury. "I am persuaded, (saith Mr. Foster), that no good Reason can be assigned, why a Person who has habituated himself to vain Swearing, should not, on a strong Motive of private Interest, proceed to a deliberate false Swearing; or, why he who makes no Scruple to call God to witness (when he is only in Jest) in common Conversation, should not think it as lawful, when some very considerable Temptation presents itself, to do the same in a Court of Judicature, and so be guilty of publick Perjury." They ought therefore to be punished in Time, as a Mean to prevent this atrocious Evil. 2. To be very tender in the Matter of Oaths, neither admitting such as are ignorant of the Nature of Oaths, and Danger of Perjury, to depone; nor Oaths to be taken in trivial Matters, and without great Necessity; or when they have good Ground to suspect that the Person will profane God's Name, or prejudge the Truth, by swearing falsely. 3. To persuade such as are within their Districts, as Occasion offers, to study to be better acquainted with the Nature of Oaths, and Danger of Perjury, as a good Mean to prevent it. I am persuaded my Reverend Brethren will frankly concur with them in using their most sedulous Endeavours with the People in their several Charges to the same Purpose.

3. My next Advice is to all such as may be called to depone in Matters civil or criminal before any Court whatsoever: 1. To consider, that a lawful Oath is a Part of divine Worship, and therefore not to be declined, when it may tend to glorify God, and determine any Controversy; but withal not to go about it rashly, but with a suitable Reverence. It is the Note of a good Man, that *he feareth an Oath*, Eccles. ix. 2.

2. To

2. To swear in Truth, Judgment, and Righteousness, as explained in the preceeding Treatise; and to perform your promissory Oaths, though to your own temporal Loss and Disadvantage, as *Psal. xv. 4.* For though perhaps it may be a considerable Loss, yet it is not so ill as eternal Damnation. And then,

4. The last Advice I offer on this Head, is to all such as, through any Temptation or other, have been guilty of Perjury, to set about the Practice of sincere and unfeigned Repentance for that dreadful Sin, and that without Delay. Consider that Perjury is a blasphemous Sin: The Perjurer denies some of God's glorious Attributes and Perfections, especially his Omniscience; for if he believed that God searches the Heart, and perfectly knows what is in Man, he would never appeal to him, or call him to witness a Lie. Nor doth he firmly believe God's Justice and Power to punish him for his Sins. And then, I advise them to guard against that atrocious Sin for the Time to come, as they would escape the terrible Wrath and Vengeance of almighty God, that will certainly overtake all impenitent perjured Persons, either in this World, or that which is to come; and perhaps in both.

F I N I S.